

REMARKS

Claims 1-22 are pending in the application. In the non-final Office Action dated December 22, 2006, the Examiner rejected claims 1-22 under 35 U.S.C. 102(e) as allegedly being unpatentable over *Wolters* (U.S. 7,107,339). Applicant respectfully traverses the rejection and addresses the Examiner's disposition below.

Claims 1, 8, 15, and 22, each as amended, each claim subject matter relating to generating a dataset having at least one exposure level to failure of a computer-based system and a corresponding rule identifier of a rule used to calculate the exposure level. The rule asynchronously receives information about the computer-based system and calculates the exposure level based on the received information. The information about the computer-based system is received by subscribing to the information in a publisher/subscriber-based system.

The generated dataset is compared to a previously generated dataset by comparing the at least one exposure level of the dataset to an at least one exposure level with the same rule identifier in the previously generated dataset. The previously generated dataset is associated with a known problem with the computer-based system.

A probability of a problem with the computer-based system is calculated based on a number of exposure levels in the generated dataset matching exposures levels in the previously generated dataset.

This is clearly unlike *Wolters*, which fails to disclose or suggest asynchronously receiving information about a computer-based system by subscribing to the information in a publisher/subscriber-based system. *Wolters* discloses a plurality of monitors that collect data from components and provide the data to an indicator engine for processing. *Wolters* 2:49-53; Figure 1. Unlike Applicant's claimed invention, nowhere does *Wolters* suggest a publisher/subscriber-based system or receiving information by subscribing to the information. This subject matter is simply neither discussed nor suggested in *Wolters*.

The Examiner argues that "[a]ssigning monitors specifically to collect the information can be considered to be a form of subscription to that information." *Office Action of 12/22/06*, page 8. Applicant disagrees. Nowhere does *Wolters* suggest a publisher/subscriber-based system. Further, assigning a monitor to collect information fails to relate to subscribing to information, let alone subscribing to information in a publisher/subscriber-based system. For example, *Wolters* monitors do not publish the information in accordance with a publisher/subscriber-based system.

For at least these reasons, *Wolters* fails to disclose or suggest claims 1, 8, 15, and 22.

Claims 2-5, 7, 9-12, 14, 16-19, and 21 depend directly or indirectly from claims 1, 8, 15, and 22 and are therefore allowable for at least the same reasons that claims 1, 8, 15, and 22 are allowable.

Claims 6, 13, and 20 have been canceled.

CONCLUSION

In view of the foregoing, it is submitted that claims 1-5, 7-12, 14-21, and 22 are patentable. It is therefore submitted that the application is in condition for allowance. Notice to that effect is respectfully requested.

Respectfully submitted,

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